

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT PATRICK CAMERON,

Plaintiff,

No. 20-10119

v.

Honorable Nancy G. Edmunds
Magistrate Judge David R. Grand

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING THE AUGUST 18, 2021 AMENDED REPORT
AND RECOMMENDATION [23] TO GRANT PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE
ACT [18] AND DISMISSING AS MOOT THE AUGUST 3, 2021
REPORT AND RECOMMENDATION [21]**

Plaintiff Scott Patrick Cameron ("Cameron") brought this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of Defendant Commissioner of Social Security ("Commissioner") denying his application for Disability Insurance Benefits under the Social Security Act (the "Act"). On March 30, 2021, a judgment was entered in Cameron's favor under Sentence Four of the Act, 42 U.S.C. § 405(g). (ECF No. 17.) Subsequent to the judgment, Cameron filed a motion for an award of attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 (the "EAJA"). (ECF No. 18.) The Commissioner filed a response stating he does not oppose the relief requested. (ECF No. 19.)

Presently before the Court is the Magistrate Judge's August 18, 2021 Amended Report and Recommendation. (ECF No. 23.) The Magistrate Judge recommends that the

Court grant Plaintiff Scott Patrick Cameron's motion and award him the following amounts pursuant to the Equal Access to Justice Act (subject to any offset under the Treasury Offset Program):

1. Attorney's fees in the amount of \$5,691.75;
2. Expenses in the amount of \$17.25; and
3. Costs in the amount of \$400.

The Magistrate Judge further recommends these amounts be paid directly to Cameron's attorney, Howard D. Olinsky.

The Magistrate Judge had previously entered a Report and Recommendation in which he directed the Commissioner to pay the "sum total" of \$6,109.00. (ECF No. 21.) Plaintiff objected on the basis that a "sum total" may prevent him from receiving a reimbursement of the filing fee. (ECF No. 22.) No objections were received from the Commissioner. Subsequently, the Magistrate Judge entered the present Amended Report and Recommendation in which he ordered payment as indicated above. No objections were filed, and Plaintiff filed a notice of withdrawal of his previous objection. (ECF No. 24.)

In light of the August 18, 2021 Amended Report and Recommendation (ECF No. 23), the August 3, 2021 Report and Recommendation (ECF No. 21) is HEREBY DISMISSED AS MOOT. Additionally, the Court ACCEPTS and ADOPTS the Magistrate

Judge's August 18, 2021 Report and Recommendation and GRANTS Plaintiffs' motion.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 7, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 7, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager